

# Exhibit B

## Kasper, Gregory

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**From:** Kasper, Gregory  
**Sent:** Monday, March 25, 2013 5:15 PM  
**To:** Marks, Jerry L. (JMarks@milbank.com)  
**Cc:** Lee, Randall (Randall.Lee@wilmerhale.com); Johnstone, Chris (Chris.Johnstone@wilmerhale.com); Williams, April (April.Williams@wilmerhale.com); Valentine, John (John.Valentine@wilmerhale.com); Schlesinger, Alisa (aschlesinger@milbank.com); Crump, Daniel (Daniel.Crump@wilmerhale.com); McKenna, Stephen C.  
**Subject:** FW: SEC v. Goldstone et al.  
**Attachments:** EXHIBIT 71.pdf

Jerry: Below is the email exchange I had with Mr. Sher.

-Greg

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**From:** Joel I. Sher [mailto:jis@shapirosher.com]  
**Sent:** Friday, March 15, 2013 2:52 PM  
**To:** Kasper, Gregory  
**Cc:** McKenna, Stephen C.  
**Subject:** RE: SEC v. Goldstone et al.

As noted in my email of January 14, 2013, I believe that the February 26, 2008 email between Ms. Starrett and Ms. Fox is not a privileged communication based upon *In Re Grand Jury Proceedings, Thursday Special Grand Jury Sept. Term, 1991*, 33 F.3d 342 (4th Cir. 1994). Based upon that authority I am not claiming that document to be a privileged communication. However, in stating this I am not waiving, either specifically or generally, any attorney client privilege, work product doctrine rights or any other privilege that either I or TMST, Inc. and its affiliates or subsidiaries has. In speaking with Ms. Starrett's attorney today he advised me that he is not certain if 4<sup>th</sup> Circuit law applies to the question of privilege with respect to this email. Therefore I confirmed to him that if the Court later determines that the document is a privileged communication because, *inter alia*, *In Re Grand Jury* is not applicable, I am not waiving that or any other privilege. Hopefully this confirms my prior email, albeit in a more precise fashion.



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410.539.7611 (Facsimile)  
jis@shapirosher.com  
www.shapirosher.com

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**From:** Kasper, Gregory [mailto:KasperG@SEC.GOV]  
**Sent:** Friday, March 15, 2013 12:25 PM  
**To:** Joel I. Sher  
**Cc:** McKenna, Stephen C.  
**Subject:** RE: SEC v. Goldstone et al.

Joel:

As I explained when we spoke this morning, at Ms. Starrett's deposition – despite the fact that the document had been produced and your email below – counsel for Ms. Starrett instructed her to not answer questions related to the attached document. Will you please confirm that it is still your position that the document is not privileged. Thanks in advance.

-Greg

Gregory A. Kasper  
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**From:** Joel I. Sher [<mailto:jis@shapirosher.com>]  
**Sent:** Monday, January 14, 2013 1:18 PM  
**To:** Kasper, Gregory  
**Cc:** McKenna, Stephen C.  
**Subject:** RE: SEC v. Goldstone et al.

I am not asserting privilege in the document at this time. I do however reserve the right to assert privilege if other facts come to my attention which change my view.



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**From:** Kasper, Gregory [<mailto:KasperG@SEC.GOV>]  
**Sent:** Thursday, January 10, 2013 1:07 PM  
**To:** Joel I. Sher  
**Cc:** McKenna, Stephen C.  
**Subject:** SEC v. Goldstone et al.

Joel: I understand that you and Steve had discussed whether certain documents that had been produced to us were privileged. I intend to use one of those documents (a copy is attached) in a deposition next week, and want to confirm that you do not have a claim of privilege over the document. I believe that the document is not privileged (and you may have already concluded as much) based upon the doctrine discussed in re Grand Jury Proceedings, Thursday Special Grand Jury Sept. Term, 1991, 33 F.3d 342 (4th Cir. 1994), a case you brought to Steve's attention. Just to make sure there is no dispute, please confirm that you do not have any privilege claim over the attached document.

The deposition is next Wednesday; I would appreciate it if you could get back to me this week.

Please give me a call if you have any questions.

-Greg

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